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U.S. DISTRICT COURT
E. DIST. OF ARKANSAS

In The United States District Court
for the Eastern District of Arkansas
Pine Bluff Division.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
SEP 26 2007
JAMES W. McCORMACK, CLERK
By: DEP CLERK

David Felty #95976 -Plaintiff-

V. Civil Action No. 5:07cv 231

Arkansas Department
Of Correction, et al. -Defendants-

— Motion To Amend Per Court Order —

CMS is responsible because: 1) Inadiquit medical care because medication and treatment was not provided to me as it should have been so I did not suffer ~~undo~~ pain. 2) CMS is my healthcare provider. 3) Because staff was aware of the problem issue's through sickcall and grievances and did not continue to do follow-up in concerns to medicine to prevent pain and suffering. 4) Staff did not throught there greivance procedure note date's for follow-up, or recommendation's, all causing delay in treatment and medications, causing further pain and suffering. 5) Once x-ray's were re-performed that denoted a substance that is irregular the two (2) occlusal's were sent to Dr. Burnett and CMS did not regain control of these two (2) occlusal's per my request, CMS simply stated that they ~~asked for the~~ two (2) occlusal x-ray's back and that Dr. Burnett's office was sending them, alittle over two year's has elapsed and still the two (2) occlusals have not been returned to my medical file so that I can try to have a second opinion, Greivance # MX 05-01339. 6) CMS has been indifferent to my medical care deliberatly causing me pain and suffering, still the problem stone remains and not only is there pain continously but there is a septic smell where infection is and it has infected other part's of my mouth and there is some drainage from the Wharton's Duct.

Max Mobley is responsible because: 1) Max Mobley was the Director of my health care provider, the top person in authority and did not respond to my grievance from 8/9/00 till 3/26/04, a process that per Administrative Directive 07-03 "Inmate Grievance Procedure" is not suppost to take longer than (76) day's to finalize unless a valid extension has been executed., All causing pain and suffering due to the delay in medical treatment and un-professionalizim in his response by stating that there is no merit to my appeal being the stone is removed from the gland, where in fact the gland (submandibular) was taken out, yet the problem stone still remains.

2) No follow-up consultation with me was performed to see if in fact the stone was removed and issue addressed, this after my wait of 8/9/00 to 3/26/04 for his reply because he state's he lost my grievance in his office while I suffered.

3) I beleive this to be deliberate indifference, a free-world provider would have consulted with me, exspecially where a issue arose and a grievance was written, Administrative Regulation's #833 Subject: Health Service's note's that there healthcare provider (IV. Definition's A), B), C), and D)) follow all these guidlines.

4) Policy and Proper Procedure's were not followed by Max Mobley in my health care, he could have seen that I was placed on proper medication and given adiquit treatment and follow-up all

through out this process, yet this did not happen.

5) My appeal did have and still does have merit, the problem stone is still there and infection still persists with some drainage of the Wharton's Duct, the Wharton's Duct is inflamed and putting out a septic smell, pain and discomfort also infection has moved to other areas of the mouth.

I further state that all statements contained herein are true to the best of my knowledge, information and beleif.

Name: David Felty #95976 Date: 9/23/09
Tucker Max Unit Signature: [signature]
2501 State Farm Rd.
Tucker, AR. 72168-9503

Subscribed and sworn to before me this 24 day of Sept, 2007

KEITH R. CROCKETT
JEFFERSON CO. ARKANSAS
NOTARY PUBLIC

[signature]
Notary Public

My Commission Expires: 2017